



Town Council Agenda Report

SUBJECT: Quasi Judicial Hearing: Special Permit

CONTACT PERSON/NUMBER

Name: Mark Kutney, AICP
Phone: (954) 797-1101

TITLE OF AGENDA ITEM:

SE 5-2-00 Nextel Communications, petitioner/Davie Square Associates, Ltd., owner - 5501 University Drive/Generally located on the west side of University Drive approximately 1,200 feet north of Stirling Road.

REPORT IN BRIEF:

The petitioner is proposing to construct a telecommunication tower within land zoned B-2, Community Business District. Town code permits telecommunication towers in commercial zoning districts by special permit only.

Staff has confirmed that the proposed telecommunication tower will meet all required setbacks, landscape requirements, will not exceed the maximum 150 foot height limitation, and is not within 750 feet of another tower. The petitioner has also provided justification which indicates that there are no other existing towers in which Nextel could co-locate to serve Nextel's needs.

Staff finds that the proposed tower is consistent with the Town's Comprehensive Plan and will not create an unrelated and incompatible use. Staff also believes the proposed tower will not adversely affect living conditions in the area, will not be in conflict with the general welfare of the public, and satisfies all other criteria for the granting of a special permit.

PREVIOUS ACTIONS: None.

CONCURRENCES:

The Planning and Zoning Board tabled this item to its June 28, 2000 meeting (motion carried 4-0, Mr. Davenport absent, June 14, 2000).

The Planning and Zoning Board recommended approval of this item at its June 28, 2000, meeting (motion carried 3-1, Mr. Davis dissenting, Mr. Davenport absent).

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to approve.

Attachment(s): Planning Report, Plot Plan, Site Pictures, Petitioner Letters, Land Use Map, Subject Site Map, and Aerial.

Application #: SE 5-2-00Revisions:

Exhibit "A":

Original Report Date: 6/21/00

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner:

Name: Davie Square Associates, Ltd.
Address: 1645 SE 3rd Court, Ste. 200
City: Deerfield Beach, FL 33441
Phone: (954) 420-1001

Agent:

Name: Nextel Communications
Address: 6700 N. Andrews Avenue, Ste. 700
City: Fort Lauderdale, FL 33309
Phone: (954) 275-2400

BACKGROUND INFORMATION

Application Request: Special permit for construction of a cellular telecommunication tower (monopole).

Address/Location: 5501 University Drive/Generally located on the west side of University Drive approximately 1,200 feet north of Stirling Road.

Land Use Plan Designation: Commercial

Zoning: B-2, Community Business District

Existing Use: Green space abutting the rear of an existing retail shopping center.

Proposed Use: Cellular telecommunication tower within the green space area.

Parcel Size: .02 acres (813 square feet)

Surrounding Land Use:

North: University Dodge Car Dealership
South: University Creek Plaza (retail center)
East: Vacant land, across University Drive
West: Vacant land

Land Use Designation:

Commercial
Commercial
Commerce/Office
Commercial

Surrounding Zoning:

North: B-3, Planned Business Center District

South: B-2 Community Business District and a portion of A-1 Agricultural

District.

East: CC, Commerce Center District, across University Drive

West: B-1, Neighborhood Business District

ZONING HISTORY

Related Zoning History: None.

Previous Requests on same property: None.

DEVELOPMENT PLAN DETAILS

Pursuant to a lease agreement between the owner of the subject site and Nextel Communications, the petitioner is proposing to construct a 140-foot monopole within the existing Davie Square retail center located off University Drive. The petitioner states, it is critical to locate a tower in this area to rectify constant complaints from Nextel customers for the lack of coverage, mainly in buildings and some in cars. The proposed tower is proposed at the rear of the existing Davie Square shopping center, within an open landscape area at the terminus of one of the retail buildings (see attached pictures).

This would place the tower approximately halfway between University Drive and SW 82 Avenue, approximately 1,500 feet north of Stirling Road. Located directly west of the subject site, running parallel to SW 82 Avenue, is a 100-foot Florida Power and Light (FPL) transmission easement. Within this easement are existing lattice towers ranging from 50 to 100 feet in height and placed approximately every 100 yards, which helps to buffer the impact of the proposed tower to the properties to the west (see attached picture). The land abutting this site to the west is vacant and is land use planned and zoned for commercial use. This tower will be unmanned and will not generate any traffic other than a periodic maintenance/service vehicle.

When seeking a special permit, Town code requires that there are no other towers within 750 feet of one another. The petitioner has provided a scaled map depicting the locations of all abutting telecommunication towers which indicates there are no other towers within 1 mile (5,280 feet) of the subject site. This map will be available at the public hearing. Town code also requires the petitioner to verify that there are no other existing towers in the area in which they could co-locate while meeting Nextel's needs. The petitioner has provided a letter indicating there are no other existing towers which would serve Nextel's needs, and that a new pole is necessary on the subject site (see attached letter). Should the special permit be approved, Nextel will then be required to provide all necessary operating licenses and meet all applicable engineering standards.

Applicable Codes and Ordinances

Land Development Code Section 12-506(A), which allows telecommunication towers in commercial zoning districts by special permit only.

Land Development Code Section 12-308(A), use related special permits.

Land Development Code Section 12-508, Shared use of communication antennas.

Comprehensive Plan Considerations

Planning Area: The subject site falls within Planning Area 5. This planning area is bound by Nova Drive on the north, University Drive on the east, and Nob Hill Road on the west. The southern limits are SW 36 Street, in the western portion of this planning area, and Orange Drive on the eastern portion. The commercial development along University Drive is upscale in character and comprised of retail stores and office parks.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102. The proposed use is exempt from Broward County concurrency requirements as telecommunication towers do not effect existing plat restrictions and are exempt from Broward County platting and concurrency requirements.

Staff Analysis

The petitioner is proposing to construct a telecommunication tower within land zoned B-2, Community Business District. Town code permits telecommunication towers in commercial zoning districts by special permit only.

Staff has confirmed that the proposed telecommunication tower will meet all required setbacks, landscape requirements, will not exceed the maximum 150 foot height limitation, and is not within 750 feet of another tower. The petitioner has also provided justification which indicates that there are no other existing towers in which Nextel could co-locate to serve Nextel's needs.

Staff finds that the proposed tower is consistent with the Town's Comprehensive Plan and will not create an unrelated and incompatible use. Staff also believes the proposed tower will not adversely affect living conditions in the area, will not be in conflict with the general welfare of the public, and satisfies all other criteria for the granting of a special permit.

Findings of Fact

Section 12-308(A)(1)(a)

- (i) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (ii) The proposed change will not create an unrelated an incompatible use;
- (iii) The proposed change will not adversely affect living conditions in the neighborhood or the town;
- (iv) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;
- (v) The proposed change will not adversely affect surrounding property

values;

(vi) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

(vii) The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

Staff Recommendation

Recommendation: Based upon the above and the overall finding of facts in the positive, staff recommends **approval** of application no. SE 5-2-00.

Planning and Zoning Board Recommendation

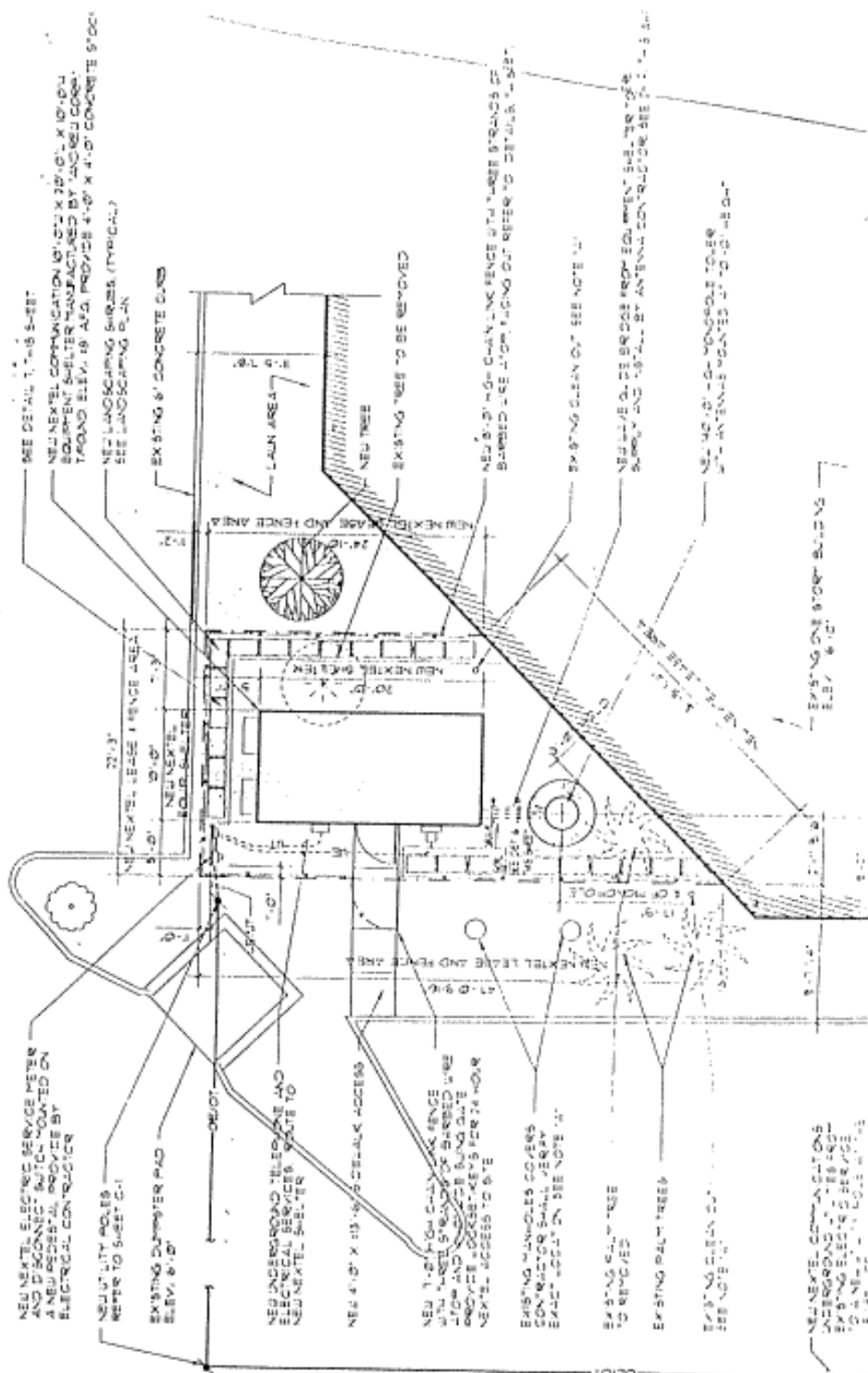
The Planning and Zoning Board recommended approval of this item at its June 28, 2000, meeting (motion carried 3-1, Mr. Davis dissenting, Mr. Davenport absent).

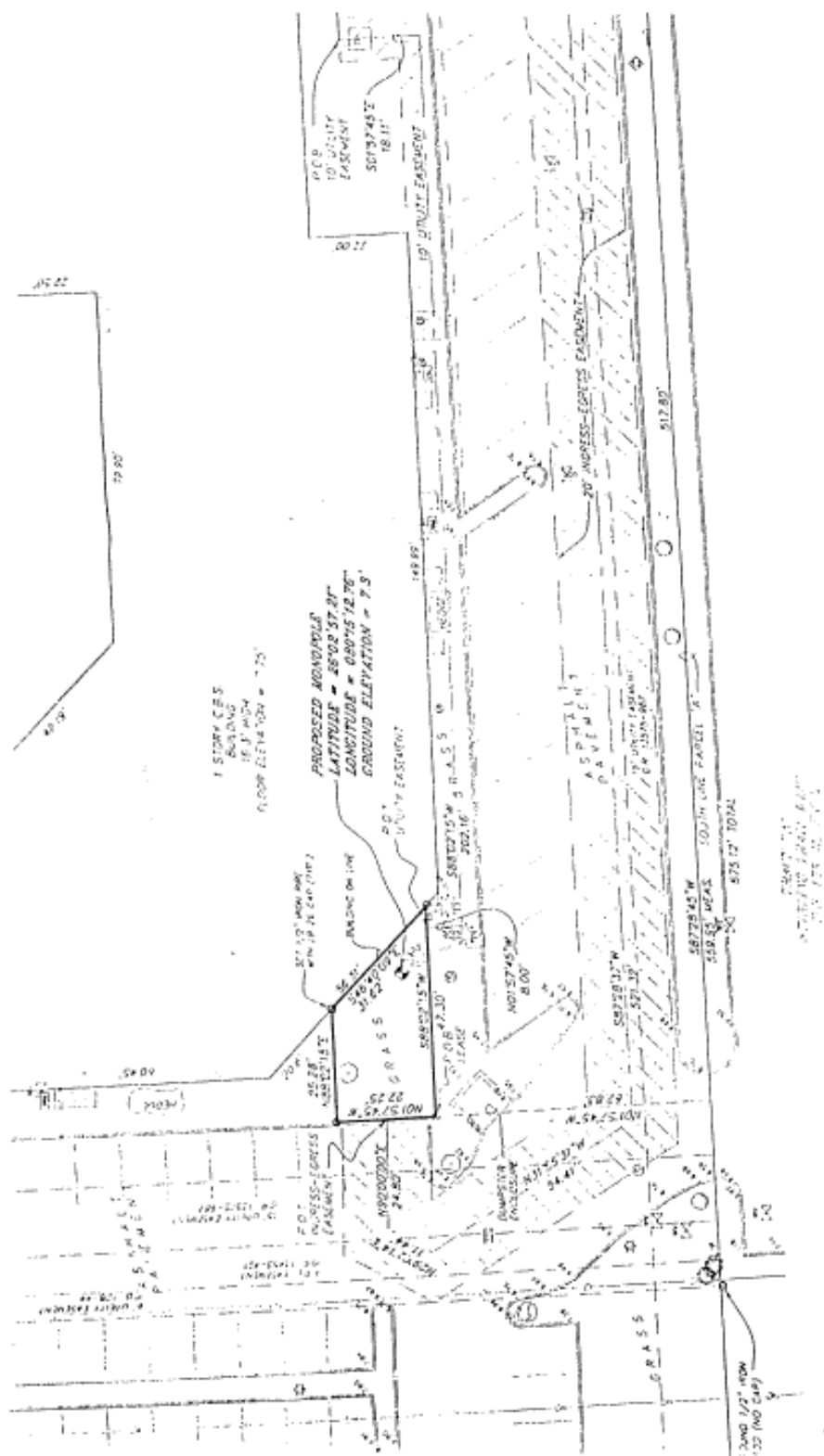
Exhibits

1. Site Layout Plan
2. Survey
3. Pictures
4. Verification Letter
5. Land Use Map
6. Subject Site Map
7. Aerial

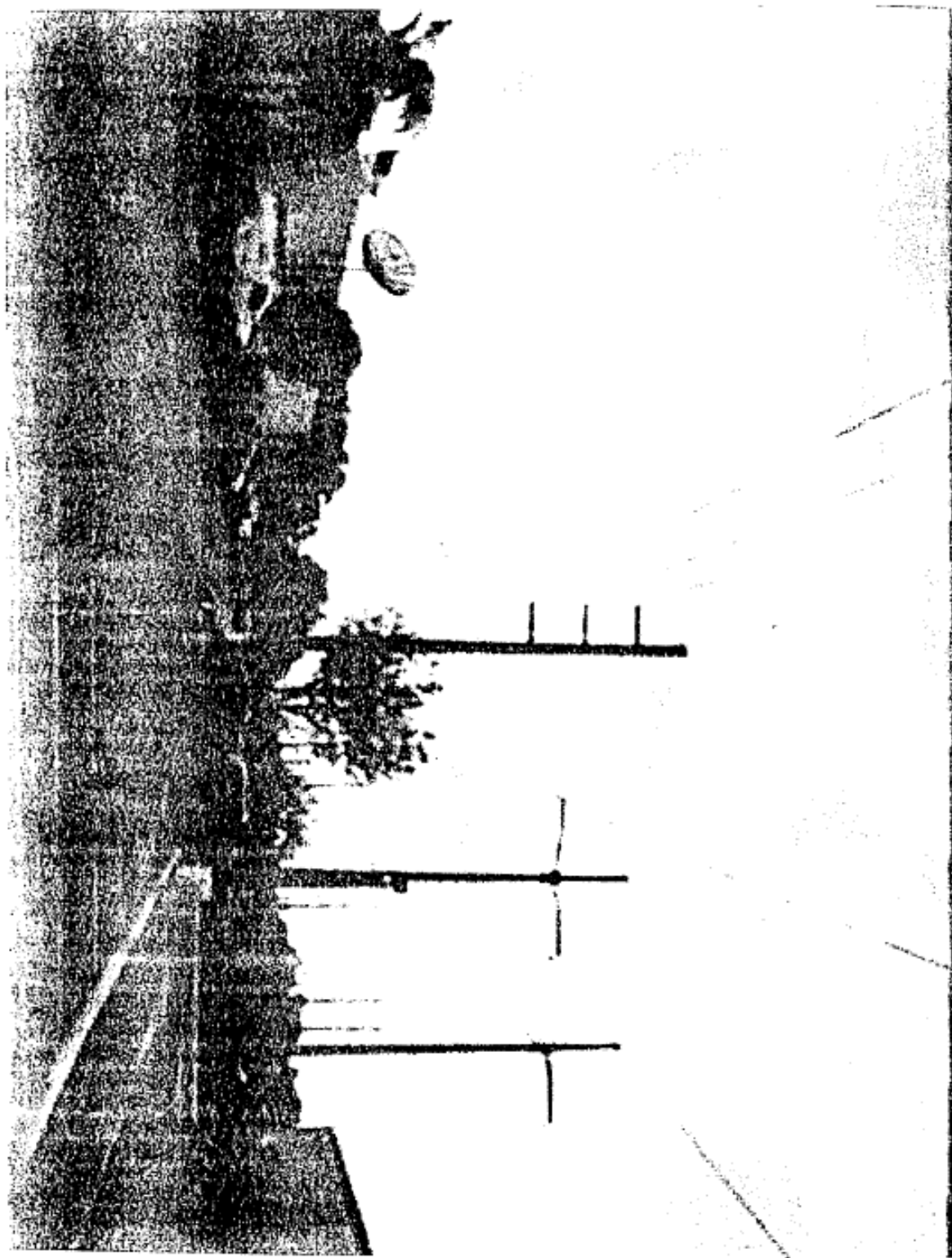
Prepared by: _____

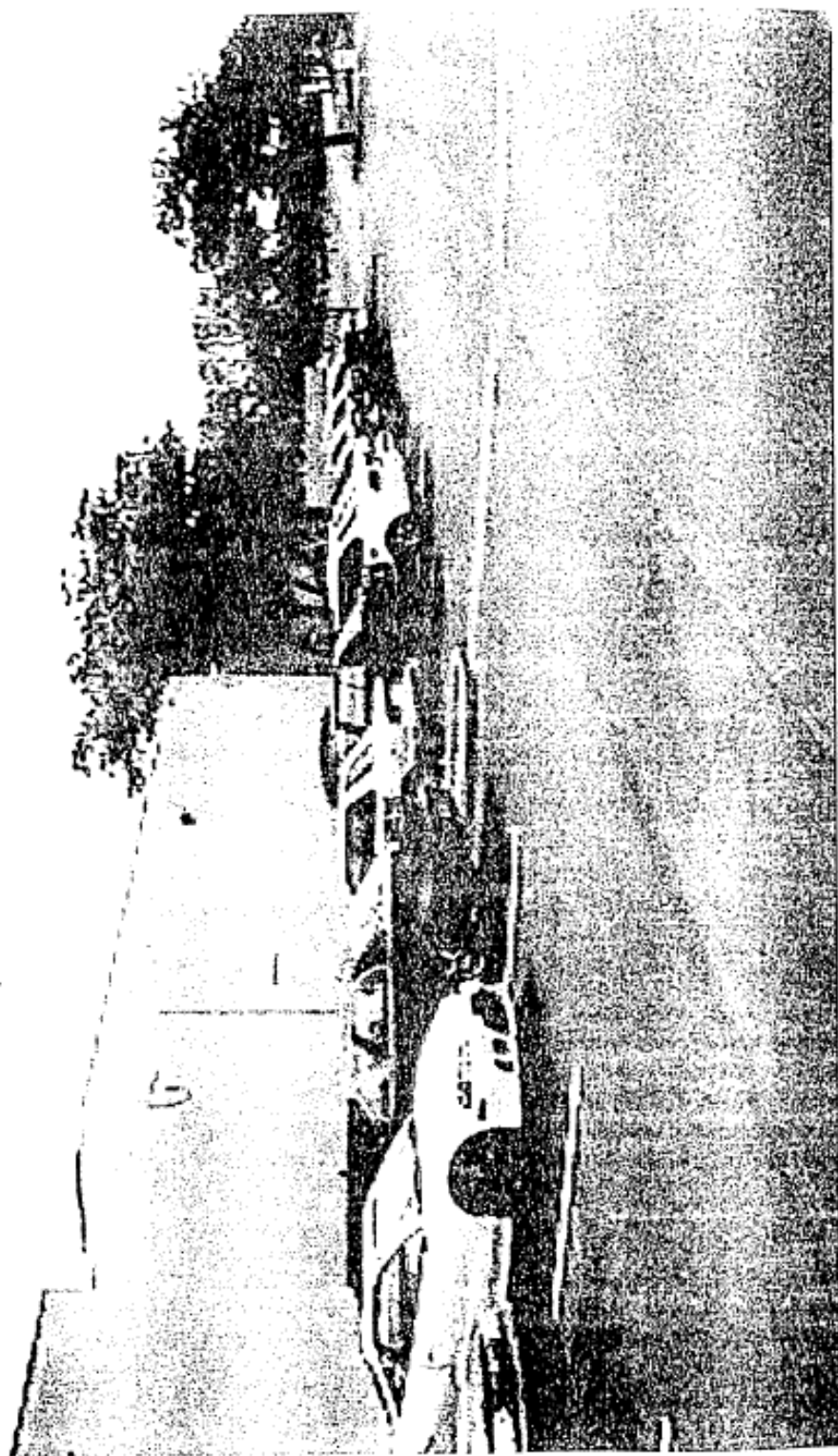
Reviewed by: _____

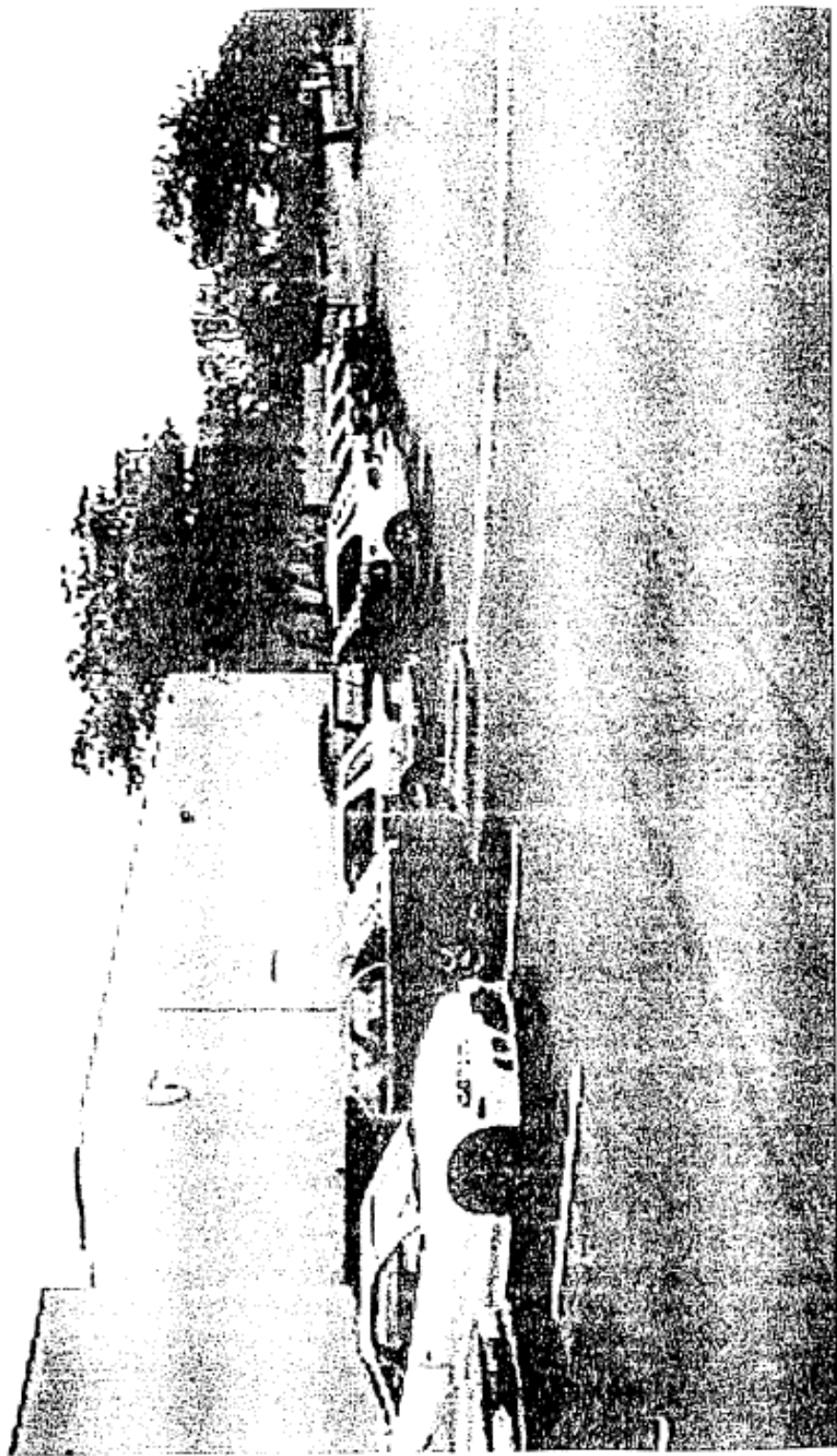




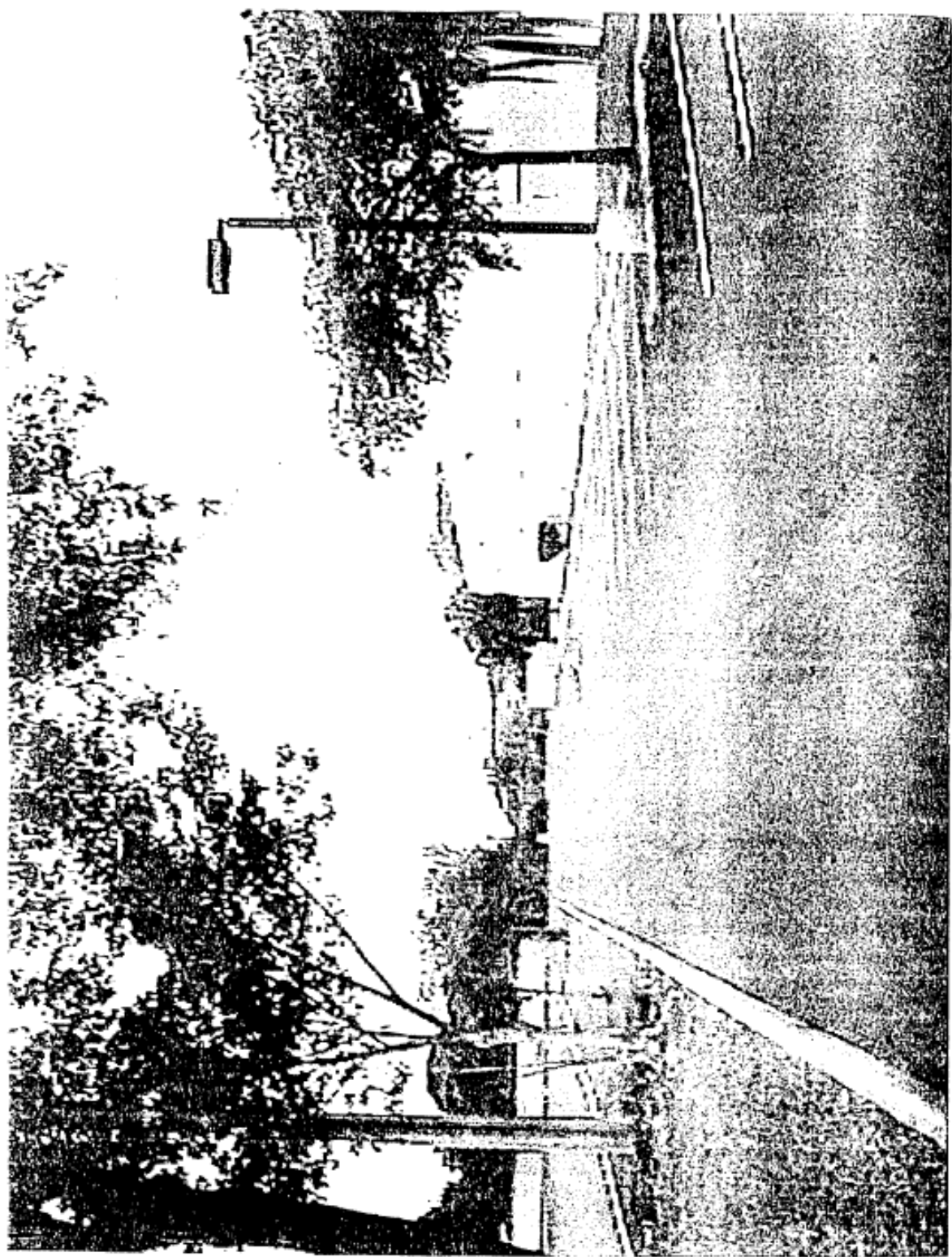


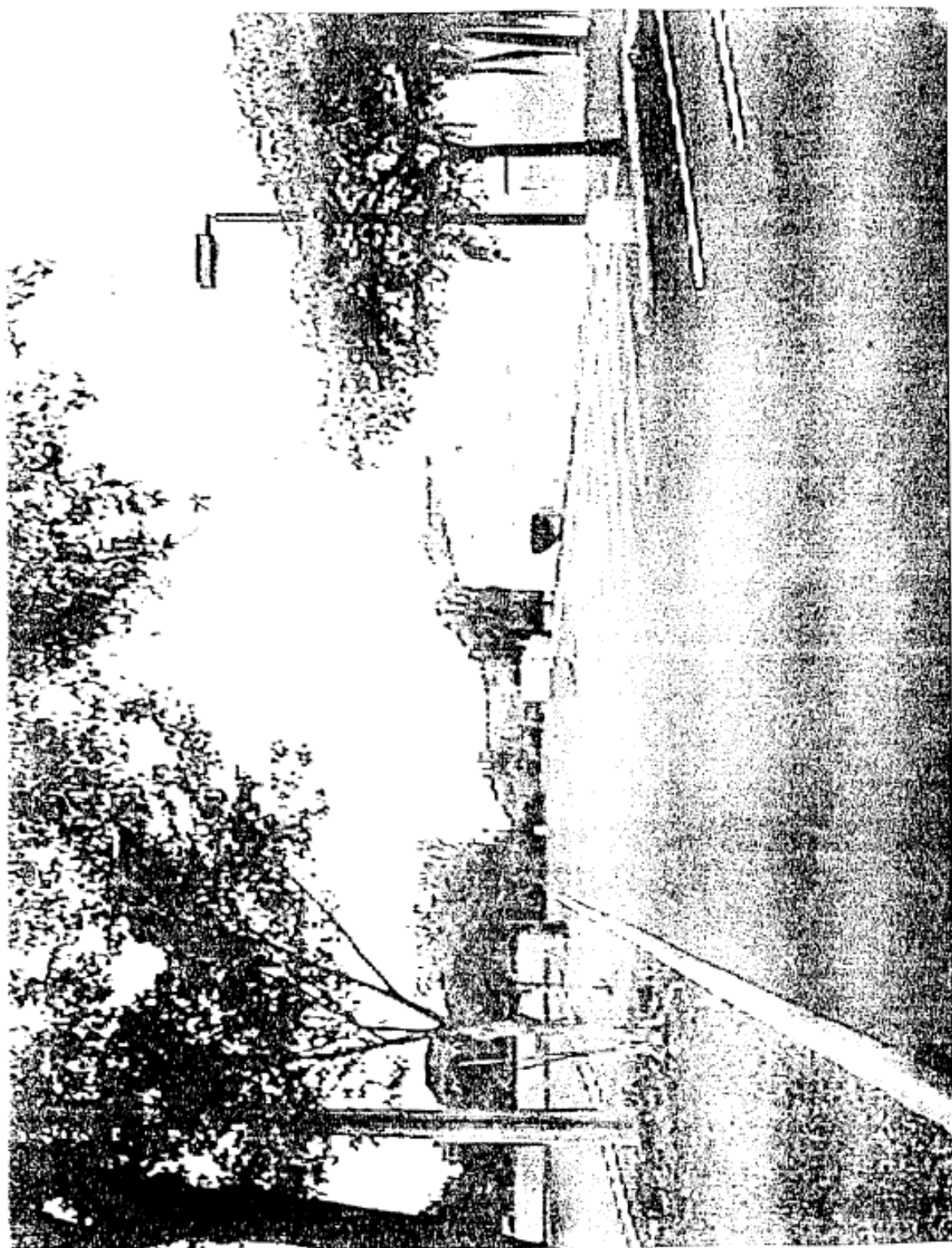


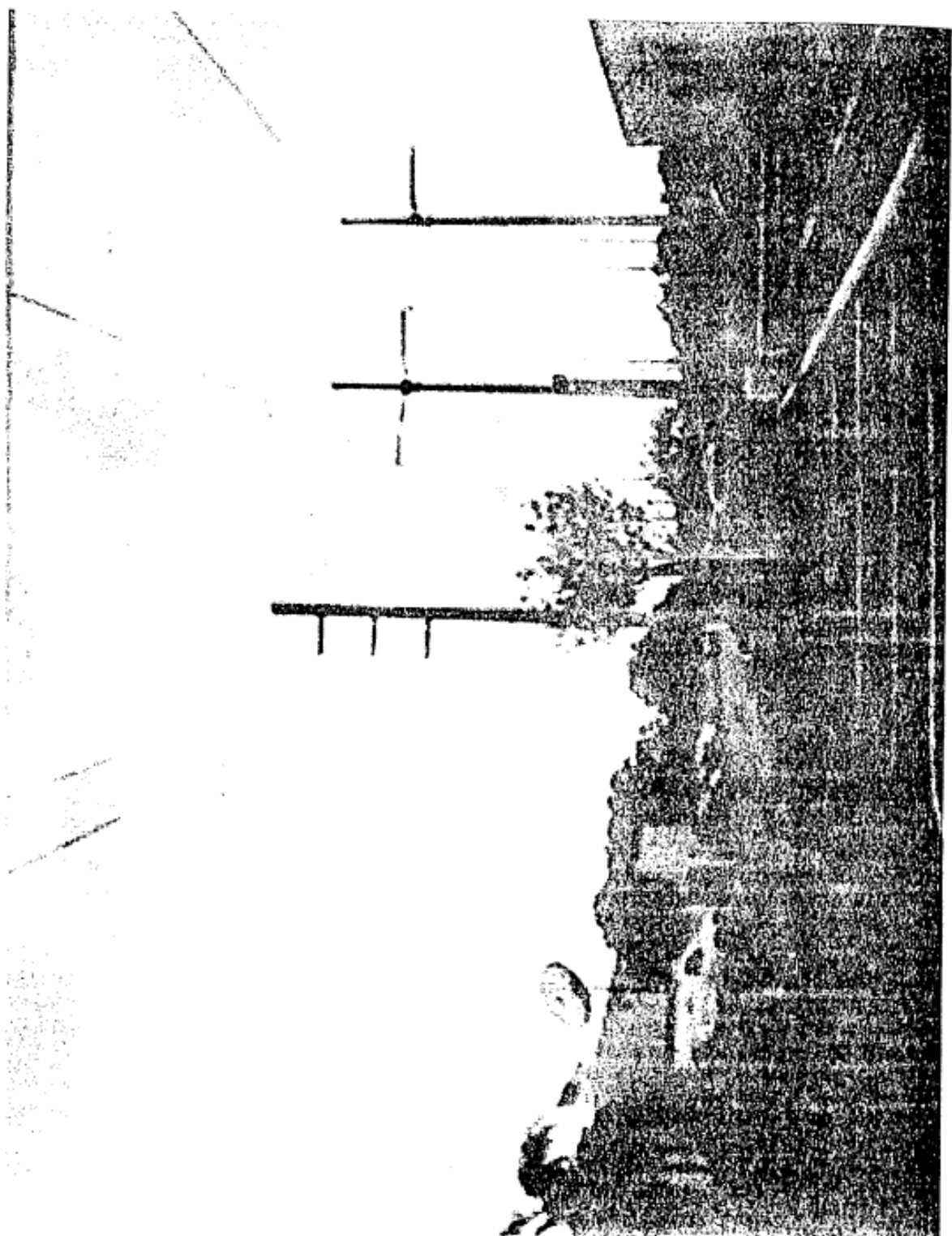




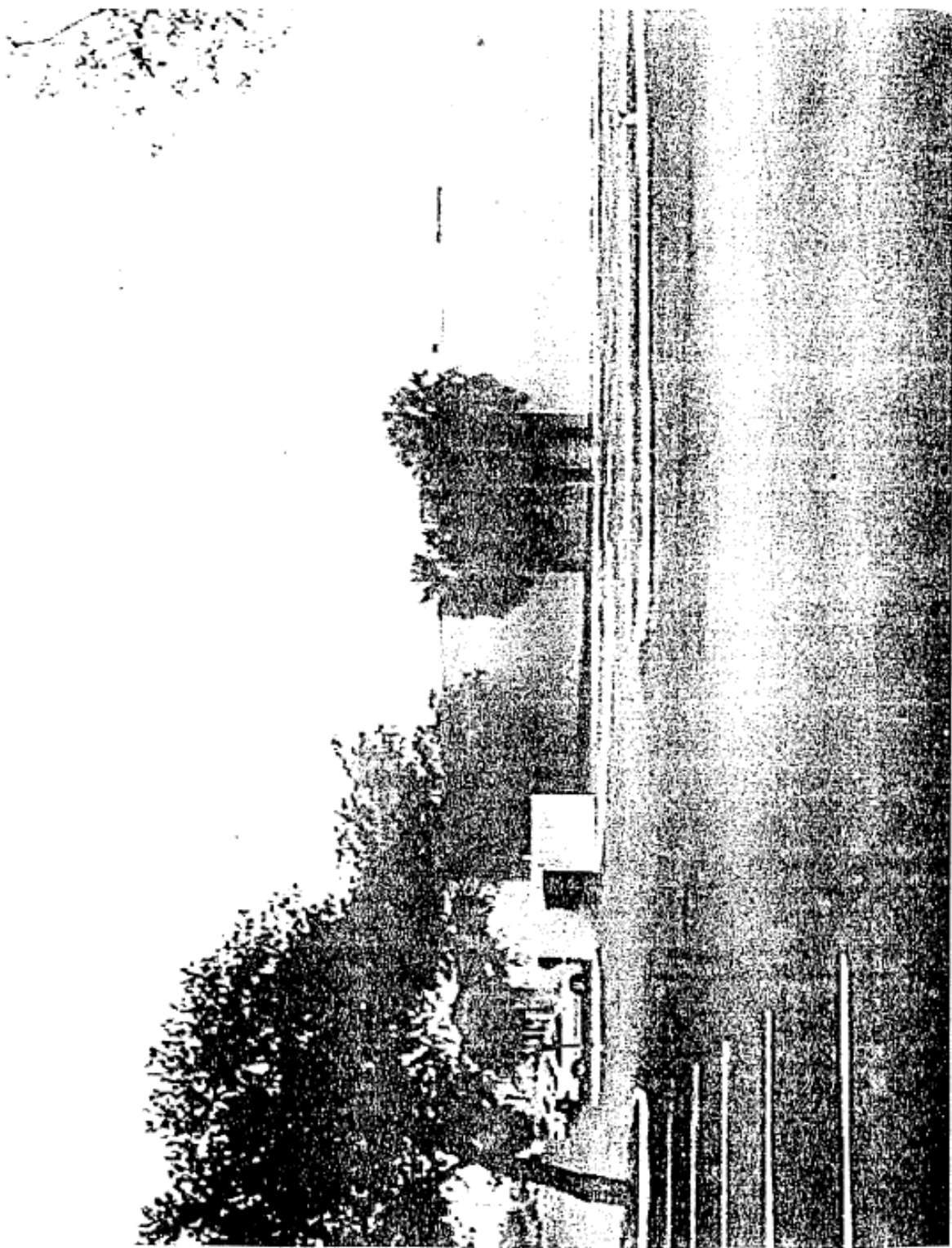


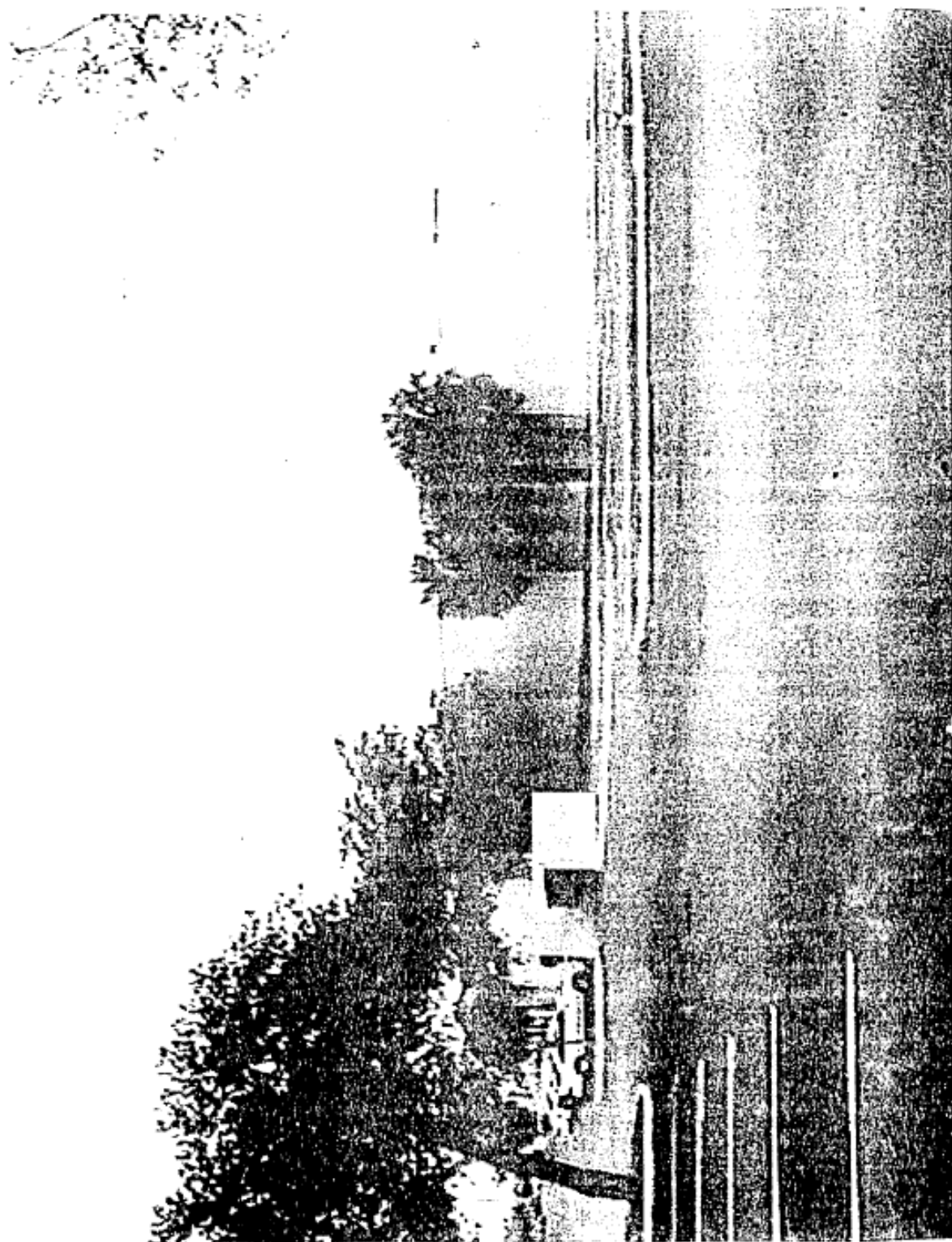


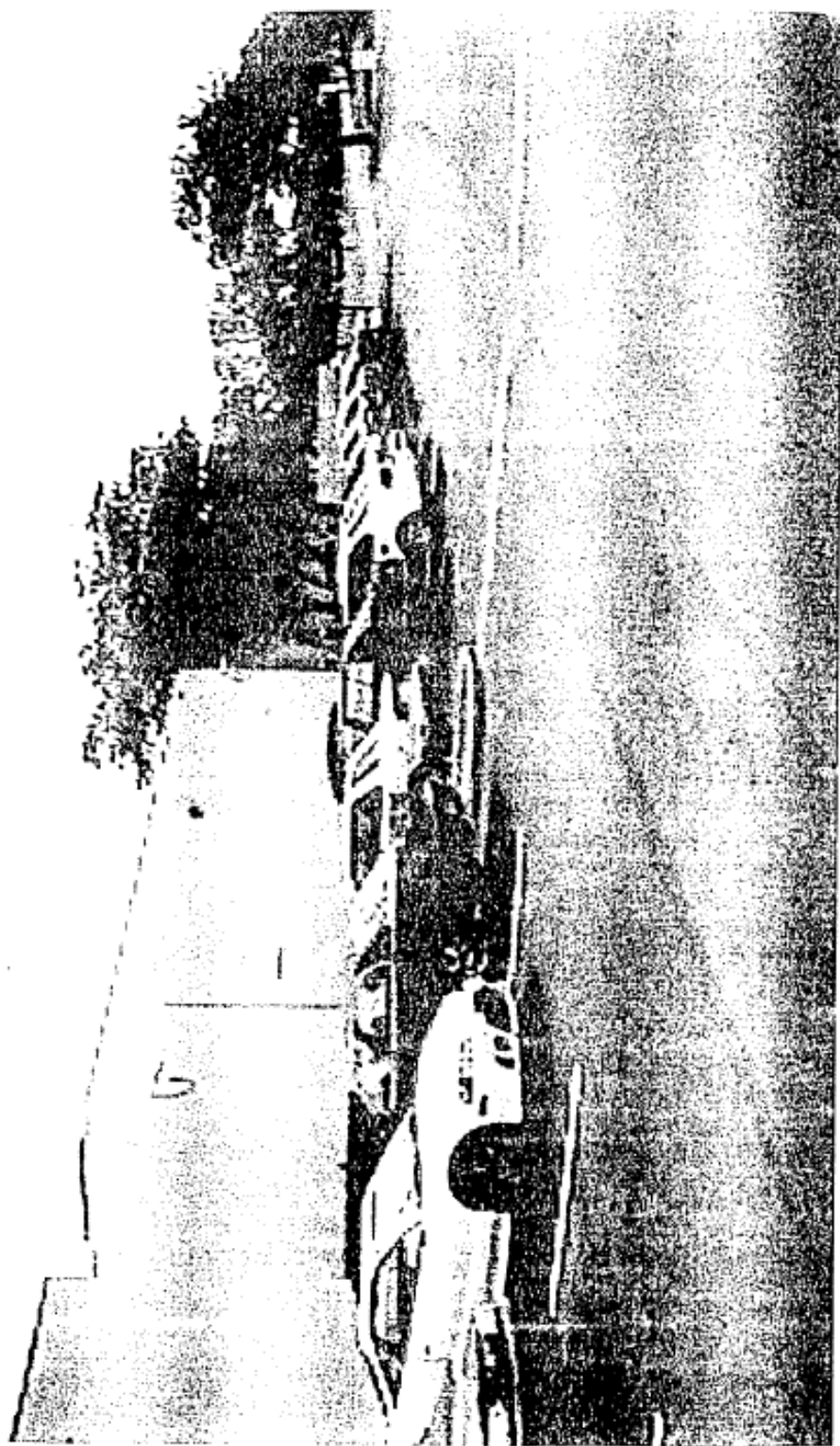


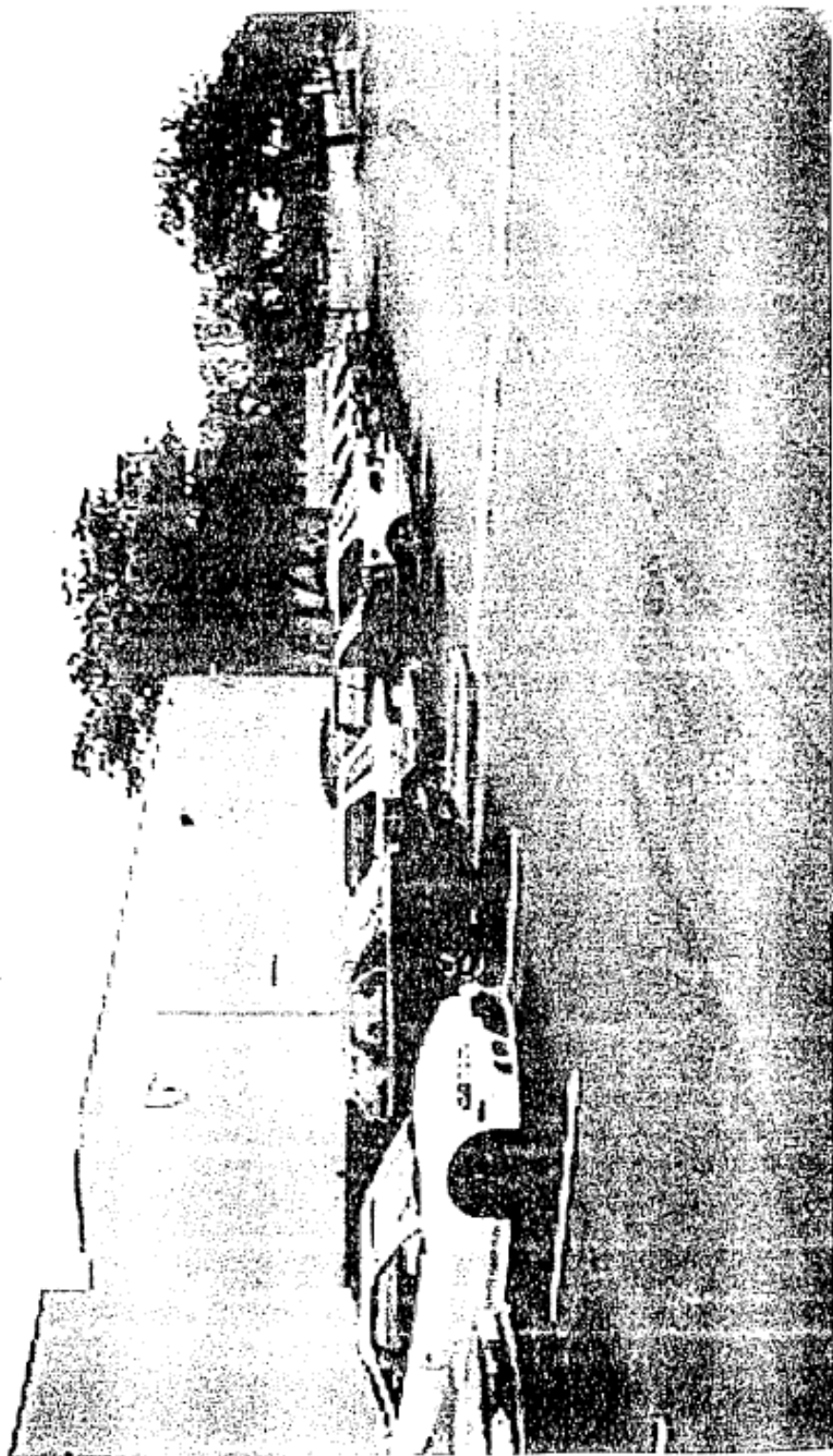


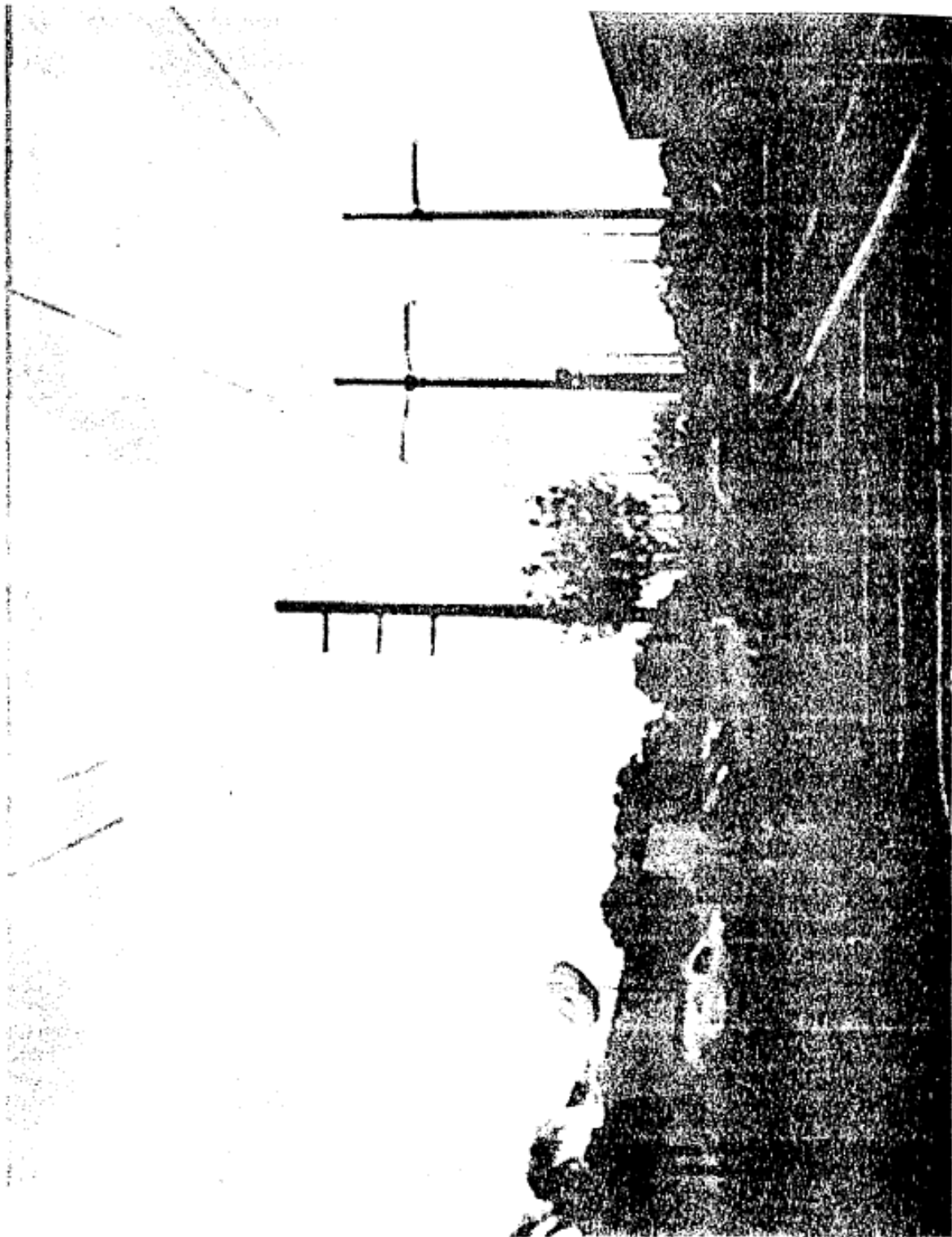


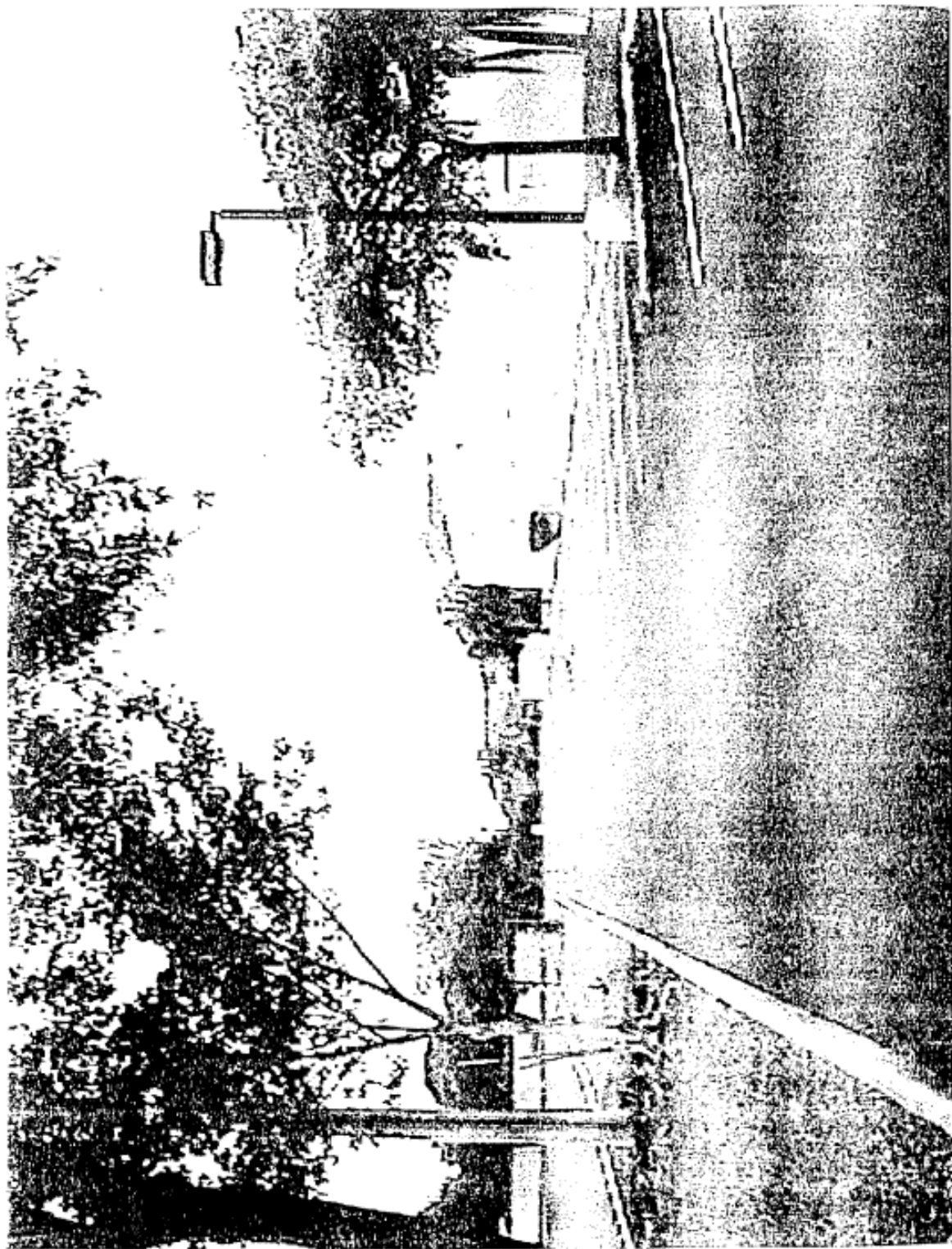


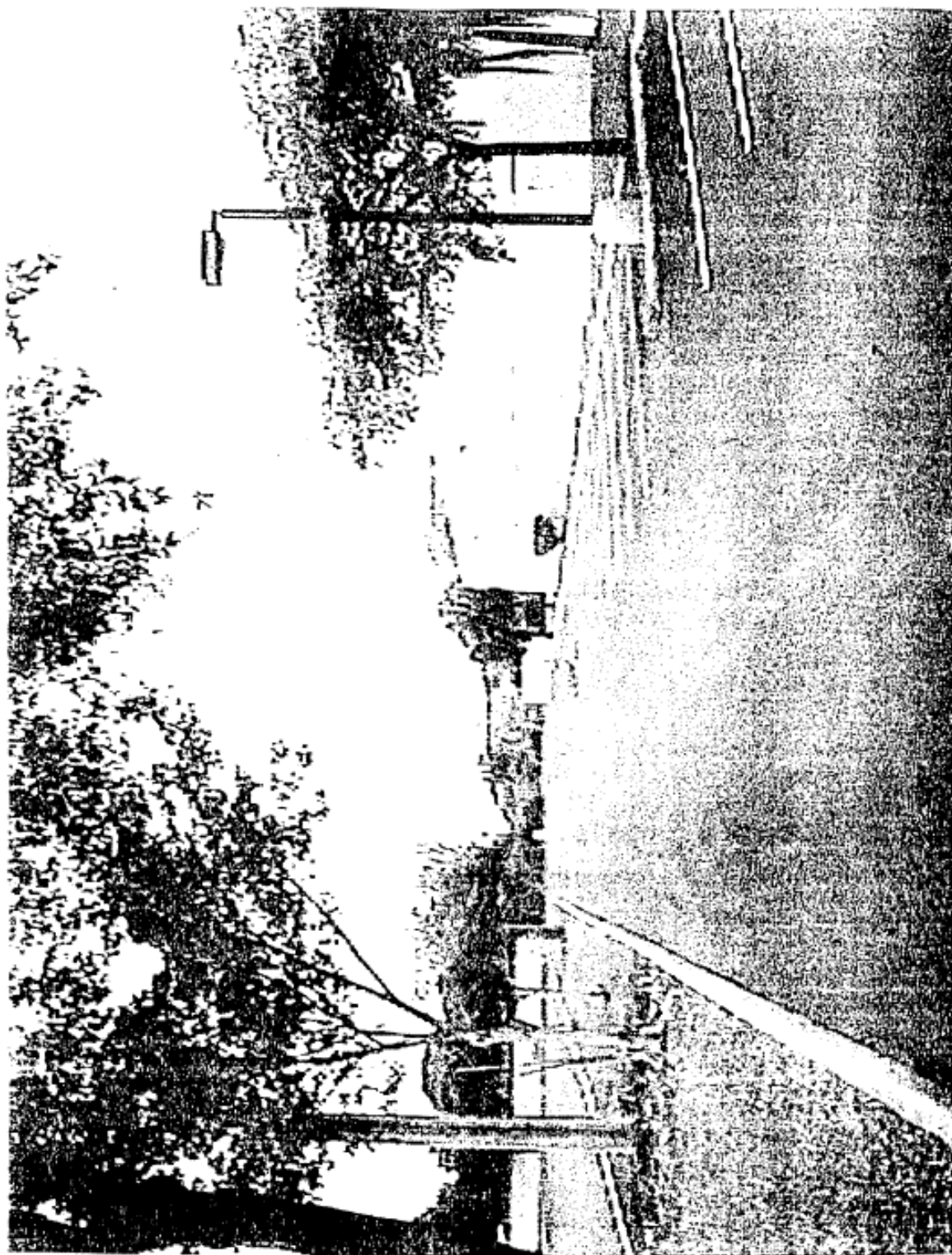


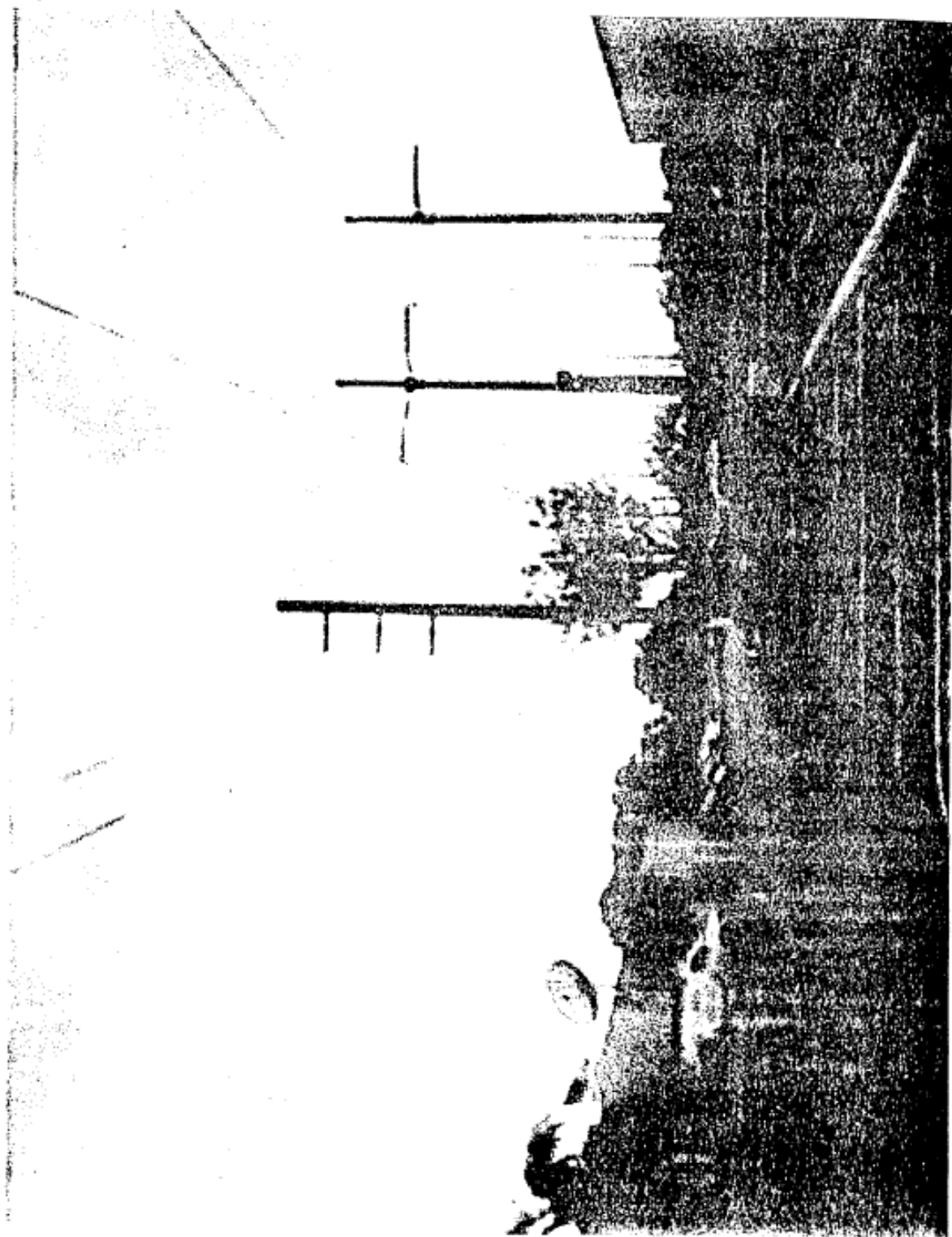














NEXTEL

Nextel Communications
8700 North Andrews Avenue, Suite 700
Fort Lauderdale, FL 33308
954 275-2400 FAX 954 275-2401

June 26, 2000

Mr Jason Eppy
Town of Davie Planning & Zoning Dept
6591 Orange Drive
Davie, Florida 33314

Re: Nextel Communication Site # FL 1659 - Wolf Lake

Dear Mr Eppy:

Pursuant to our conversation, the Nextel Communications proposed site at 5501 University Drive will be built to accommodate (co-locate) at least two (2) additional carriers.

Thank you and if there are any questions, please do not hesitate to call me at (954) 229-2798.

Sincerely,



Korey E. Wanliss
Manager - Site Development



NEXTEL
6700 N. Andrews Avenue, Suite 700
Ft. Lauderdale, FL 33309
954 275-2400 FAX 954 275-2401

City of Davie
Zoning Department
RE: FL1659 Wolf Lake

June 21, 2000

To Whom It May Concern:

Nextel Communications, Inc. has proposed a wireless communications site, located at 5501 S. University Dr., we call "Wolf Lake" and alpha numerically designated as FL 1659. There are no existing towers within the relevant search ring area*. The subject location is located within the relevant search ring area.

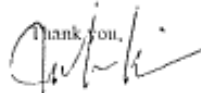
Due to the tremendous demand for our product and the lack of coverage in and around this area, The proposed Wolf Lake site is very critical and is designed to provide the coverage needed.

There are three towers located within one and a quarter miles from the proposed wireless communications site. None of these towers will provide the critical coverage Wolf Lake will supply.

The first is a 200' self support tower owned by FPL located one and a quarter miles away, this tower would not meet the necessary coverage objectives.

BellSouth owns the next two. The first is a 100' monopole located one-mile north, this tower location would provide too much overlapping coverage to the TreeTops site. The second is a 150' monopole located one and a quarter mile south, this tower location will not provide sufficient coverage demanded by the customers.

- Search ring: a specific geographic area identified to search for a possible wireless communication structure.

Thank you,


John Wilson
Radio Frequency Engineer
Nextel Communications, Inc.

COMMERCIAL

Maki Street Plat
(128-44)
**OWNER'S
SUBJECT SITE**
**PROPOSED LEASED
SUBJECT SITE**



Stirling Trail West
(123-11)

COMMERCIAL

COMMERCE / OFFICE

PETITION NUMBER
SE 5-2-00
Subject Site Area
Future Land Use Plan

N
4

PREPARED 5/23/00 Scale 1"=300'
BY THE PLANNING &
ZONING DIVISION

